

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

UNITED STATES OF AMERICA §  
§  
v. § NO. 1:12-CR-71  
§  
MARIO CARDENAS-GUILLEN §  
a/k/a "Metro 1" §

**ELEMENTS OF THE OFFENSE**

You are charged in Count 1 of the Indictment with a violation of 21 U.S.C. §§ 846 and 841(a)(1), conspiracy to possess with the intent to distribute, and distribution of a Schedule II controlled substance, namely, a mixture or substance containing five (5) kilograms or more of a mixture or substance containing cocaine HCL.

The essential elements which must be proven to establish the 21 U.S.C. §§ 846 and 841(a)(1) violations are:

1. That two or more persons, directly or indirectly, reached an agreement to possess with intent to distribute cocaine HCL;
2. That the defendant knew of the unlawful purpose of the agreement;
3. That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose;
4. That the overall scope of the conspiracy involved a mixture or substance containing five (5) kilograms or more of cocaine HCL; and
5. That the defendant knew or reasonably should have known that the scope of the conspiracy involved five (5) kilograms or more of cocaine HCL.

Respectfully submitted,

BRIT FEATHERSTON  
UNITED STATES ATTORNEY

*/s/ Christopher T. Rapp*  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was delivered by electronic filing to Reynaldo G. Garza, III, attorney for defendant, on 2<sup>nd</sup> day of December, 2022.

*/s/ Christopher T. Rapp*  
CHRISTOPHER T. RAPP  
ASSISTANT U.S. ATTORNEY